

UNITED STATES DISTRICT COURT

for the

US District of

civil

Division

19 CV 5985

Mark Downey, pro se

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United States of America
&
et. al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

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COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Mark Downey
Street Address	Drawer SS
City and County	McLean
State and Zip Code	VA 22101-0729
Telephone Number	703-790-9433
E-mail Address	downeydata@netzero.net

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name US of America - et. al.

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1666 - Destruction of Government Property, §1361 Section 1361; 49 USC 40115 – Withholding information; 18 USC § 1519 – Destruction, alteration; 18 USC C 2255 Civil Remedy for Personal Injuries; Title 18, USC, Section 242-Color of Law; Conspiracy. 18 U.S. Code § 371 - Conspiracy
Title 18, USC, Section 241 Conspiracy Against Rights;
Spoliation of Evidence, 5 USC § 552; 49 USC § 40115 Withholding information; 18 USC 1621 Perjury, Deliberate, Deceitful

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* US of America, et. al. _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The detailed explanation of the amount is stated in the Statement of Claim

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

This entire Claim is mandated by the qui tam, the False Claims Act and the Dodd-Frank Act to generate revenues for the Federal Government to dramatically reduce the mounting \$21 Trillion Federal Budget Deficit for our Children's Children; 70% for the Federal Government and 30% for the Disabled Plaintiff.

"589.68 Billion Qui Tam \$ (45) Counts

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Monetary Damages - The detailed Amount is furnished in the Statement of Claim

(44) Counts elaborate the Claim in Detail - the Disabled Plaintiffs work of 5 years was illegally destroyed by the Federal Government and he received NO compensation. The unjustified Whistleblower claim denial recourse is to file suit.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7/1/2019

Signature of Plaintiff

Printed Name of Plaintiff

Mark Downey, pro se

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

LS-Fed-STARBUCKS
6/17/19

Confidential & Proprietary
Seal
Joint and Several Liability

There is NO Statue of Limitations on the
ADA - Americans with Disabilities Act

All Defendants are accomplices and
collaborators in all Counts.

STATEMENT OF CLAIM

COURT DETAILS

Court **U.S. District Court**

Division **Civil Division**

Case number

TITLE OF PROCEEDINGS

[First] Plaintiff **Mark Downey**

[First] Defendant **US of America, et. al.**

FILING DETAILS

Filed for **Mark Downey, Plaintiff, Pro Se**

Contact name **Mark Downey**

Telephone **(703) 790-9433**

Email **downeydata@netzero.net**

TYPE OF CLAIM/CASE SUMMARY

Date: 2009 – Present.

Lawyers and Law Firms represent many Clients and file numerous lawsuits. The Disabled Plaintiff is pro se or self-represented and represents the Federal Government for qui tam, the False Claims Act and the Dodd Frank Act to recover numerous massive cost-overruns, excessive spending, delinquent accounts, fraud and undiscovered revenue recovery with the goal to eliminate the mounting \$21 Trillion Federal Budget Deficit for our Children's Children. Under his previously granted forma pauperism status and as Disabled pro se, self-representation he requests accommodations for just, fair and impartial settlements and rulings.

The Disabled Plaintiff's lifetime goal is to use his 50 years of working for and with the Federal Government for a history making feat. He worked for 5 years, 15-hours-a-day with NO Compensation, resulting in 80,000 pages; almost 600,000 submissions. A Federal Whistleblower employee said, "That would take years." The Government's attitude is, "It would take a long time therefore we do not have to do anything." Instead of the IRS and the Federal Government working in concert and collaboration with the Disabled Whistleblower, the entire Federal Government orchestrated a war to decimate all of his efforts to Balance the Federal Budget. The Federal Balanced Budget effort was and when reactivated is attainable and realistic. The IRS annulated his massive, unselfish, generous, extraordinary accomplishments which would have resulted in a Worldwide Economic Explosion.

Due to the unauthorized and illegal destruction and deletion of 543,455 IRS Whistleblower accepted submissions the only

recourse was to file Legal Claims with each Individual General Counsel Department/ Agency, Form 95, the Federal Tort Claims Act or as alternative in the US District Court or the US Tax Court.)

Federal Civil Subject Matter Jurisdiction - Summary

Violation - The Eighth Amendment (Amendment VIII) of the US Constitution prohibits US governments of imposing excessive cruel and unusual punishments against any US citizen. The Disabled Plaintiff's massive unjustified Whistleblower deletions by the Government caused severe stress which resulted in severe, life-long ramifications; Physical and Physiological Personal Injury, 18 USC Code 2255 Civil Remedy for Personal Injuries.

- Title 18, U.S.C., Section 242-Deprivation of Rights under Color of Law – Civil & Criminal
- Conspiracy. 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States; Civil & Criminal
- Title 18, U.S.C., Section 241 Conspiracy Against Rights; Civil & Criminal.
- Denied Legal Discovery; Spoliation of Evidence.
- Federal FOIA Violations; Spoliation of Evidence; FOIA Act, 5 U.S.C. § 552.
- 49 U.S. Code § 40115 - Withholding information
- Title 18, U.S.C., Section 242-Deprivation of Rights, Color of Law – Civil & Criminal.
- Antitrust; The Clayton Antitrust Act of 1914 (Pub.L. 63–212, 38 Stat 730, 15 U.S.C. § 12–27, 29 U.S.C. §§ 52–53).
- Definition of Diversity

- **Accountability of Government Personnel.**
- **Civil Service Reform Act 1978; merit system 2301 title 5, USC Code. (4) All employees to maintain high standards of integrity, conduct, and concern for public interest**
- **Statue of Limitations, Deliberately Misstated.**
- **Punitive Damages.**
- **18 USC Code 2255 Civil Remedy for Personal Injuries.**
- **28 U.S. Code § 2401 - Time for commencing action against United States No Statue of Limitations based on Disability and Personal Injury.**
- **Punitive Damages.**
- **In 18 U.S.C. Code 2255 Civil Remedy for Personal Injuries,**
- **Title 18, U.S.C., Section 241 Conspiracy Against Rights; Civil & Criminal.**
- **Title 18, U.S.C., Section 242-Deprivation of Rights Under Colour of Law – Civil & Criminal**
- **Conspiracy. 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States; Civil & Criminal**
- **Internal Revenue Code (IRC) 7623(b) – IRS; Whistleblower Program. IRM 1.1.26 Whistleblower Office, Tax Relief and Health Care Act of 2006, IRC §7623.**
- **The Federal Tort Claims Act.**
- **28 U.S. Code § 2401 - Time for commencing action against US Government.**
- **Diversity.**
- **Federal Contractors Responsible for Cost Overruns.**
- **Federal Service Contracts.**

- **The Government is Responsible & Accountable for Excessive Spending, Cost Overruns.**
 - **Dodd Frank Act.**
 - **False Claims Act - 31 U.S.C § 3729-False claims**
 - **False Claims Act - Qui Tam. 31 U.S. Code § 3729**
 - **Accountability of Government Personnel; Civil Service Reform Act 1978; merit system 2301 title 5, U.S.C.**
 - **IRS Whistleblower Program Violations**
 - **Violation - Whistleblower Protection Act.**
 - **5 U.S.C. 2302(b)(8)-(9), Pub.L. 101-12**
 - **Statue of Limitations; 18 USC Code 2255 Civil Remedy for Personal Injuries.**
 - **Three Agencies have Joint-Responsibility, Accountability and Compliance for Fiscal Oversight & Cost-Overruns for the Entire Federal Government; the DCAA, OMB and the GAO.**
 - **Destruction of Government Property; 1666. 18 U.S.C. §1361 Section 1361.**
 - **Failure to Furnish Tort Procedures; Denied On-Going Legal Discovery; Spoliation of Evidence.**
 - **Federal FOIA Violations; Spoliation of Evidence.**
 - **49 U.S. Code § 40115 - Withholding information**
 - **Federal Procedures Violated.**
 - **Failure to Furnish Tort Procedures; Denied On-Going Legal Discovery; Spoliation of Evidence.**
 - **Federal FOIA Violations; Spoliation of Evidence.**
 - **34 - 49 U.S. Code § 40115 - Withholding information**
 - **Prompt Payment Non-Compliance.**
 - **Congress and Senate Accountable.**
 - **Inspector General Offices Accountable.**
- ADA – Americans with Disabilities Act.**
- **Title I (Employment) Equal Employment.**

- **Title II (State and Local Government) Disability Nondiscrimination.**
- **Title III (Public Accommodations) Disability Nondiscrimination, Public Accommodations.**

Federal Criminal *Subject Matter Jurisdiction – Follow-On*
Summary

- **1666 - Destruction of Government Property, 18 U.S.C. §1361Section 1361;**
- **49 U.S. Code § 40115 – Withholding information;**
- **18 U.S. Code § 1519 – Destruction, alteration, or falsification of records in Federal investigations;**
- **18 USC Code 2255 Civil Remedy for Personal Injuries;**
- **Title 18, U.S.C., Section 242-Deprivation of Rights under Color of Law – Civil & Criminal;**
- **Conspiracy. 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States, Civil & Criminal;**
- **Title 18, U.S.C., Section 241 Conspiracy Against Rights; Civil & Criminal;**
- **Denied On-Going Legal Discovery; Spoliation of Evidence;**
- **FIOA Act; Spoliation of Evidence, 5 U.S.C. § 552;**
- **49 U.S.C. § 40115 - Withholding information;**
- **18 U.S.C. 1621 – Perjury, Deliberate, Deceitful, Repeated, Unethical, Intentional stating wrong Statute of Limitations.**

RELIEF CLAIMED

Defendants pay the Plaintiff the amount claimed.

Amount of Claim

**\$25 Billion/yr Revenues X ten year
assessment, \$250 Billion**

**+ Subject to Gift Tax 45%,
\$112.5 Billion**

+ Counts (45), \$900M

**+ 3 year punitive damages,
\$,340.2 Billion**

**+ 30% Disabled Plaintiff
compensation, \$136.08 Billion**

\$589.68 Billion, Total Claim

**This entire Claim is mandated by
the qui tam, the False Claims Act
and the Dodd-Frank Act to
generate revenues for the Federal
Government to dramatically
reduce the mounting \$21 Trillion
Federal Budget Deficit for our
Children's Children; 70% for the
Federal Government and 30% for
the Disabled Plaintiff.**

**The amount is large, however it
reflects the size of the entity and
the seriousness of the incidents.**

Interest

Prevailing Interest

PLEADINGS AND PARTICULARS

Signature

Mark Downey

Capacity **Plaintiff, Pro Se**

Date of signature **5/31/2019**

PARTY DETAILS

PARTIES TO THE PROCEEDINGS

Plaintiff **Defendants**

Mark Downey, Plaintiff **US of America, et. al.**

DETAILS ABOUT PLAINTIFF

Name **Mark Downey, Pro Se**
Drawer SS, McLean, VA 22101-0729

DETAILS ABOUT DEFENDANT[S]

Name **US of America, et. al.**

United States District Court;

Southern District of New York, New York City

Mark Downey)
Drawer SS)
McLean, VA 22101-0729)

Estate of Virginia Downey)

Plaintiffs)

v.)

United States of America (Sue))

William Barr (serve))

DOJ (Sue))

Attorney General)

950 Pennsylvania Ave NW)

Suite 7141)

Washington, DC 20530)

Benjamin C. Glassman (Serve))

US Attorney)

DOJ – (Sue))

303 Marconi Boulevard)

Suite 200)

Columbus, OH 43215)

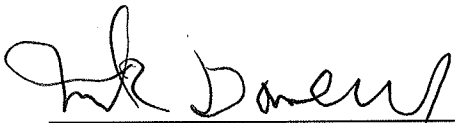
Case: _____

Kevin Johnson, CEO (Serve))
Starbucks (Serve))
2401 Utah Ave South)
Seattle, WA 98134)
)
John Boyle, Chairman (Serve))
National Coffee Assn USA)
(Sue))
45 Broadway Suite 1140)
New York, NY 10006)
(Designated Primary Defendant)
For Defendant Class Action Suit))
)
Defendants.)

NOTICE OF HEARING

Motions will be ruled without appearances July 19, 2019.

**US District Court, Southern District of New York, 500 Pearl
Street, New York, New York 10007-1312**

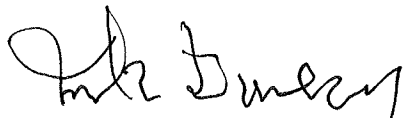


Mark Downey, Pro se

Drawer SS

McLean, VA 22101-0729

I certify that the Notice of Hearing and Motions were mailed or process served to the Defendants.

A handwritten signature in black ink, appearing to read "Mark Downey", is written above a horizontal line.

Mark Downey, Pro se

United States District Court;

Southern District of New York, New York City

Mark Downey)

Drawer SS)

McLean, VA 22101-0729)

)

Estate of Virginia Downey)

)

Plaintiffs)

)

v.)

)

United States of America (Sue))

)

William Barr (serve))

DOJ (Sue))

Attorney General)

950 Pennsylvania Ave NW)

Suite 7141)

Washington, DC 20530)

)

Benjamin C. Glassman (Serve))

US Attorney)

DOJ – (Sue))

303 Marconi Boulevard)

Suite 200)

Columbus, OH 43215)

Case: _____

Kevin Johnson, CEO (Serve))
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2401 Utah Ave South)
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John Boyle, Chairman (Serve))
National Coffee Assn USA)
(Sue))
45 Broadway Suite 1140)
New York, NY 10006)
(Designated Primary Defendant)
For Defendant Class Action Suit))
)
Defendants.)

MOTIONS

Motion to Quash Sovereign Immunity

Motion to Accommodate the Disabled

Motion to Expedite & Seal

Motion to Designate the Primary Defendant for the

Defendant Class Action Claim

Motion to Refer Criminal Case to the US Attorney

Motions will be ruled without appearances July 19, 2019.

**US District Court, Southern District of New York, 500 Pearl
Street, New York, New York 10007-1312**

Motion to Quash Sovereign Immunity

**1) Title 18, U.S.C., Section 242-Deprivation of Rights Under
Color of Law – Civil & Criminal. “Government Employees
were not acting within their scope of authority”; a violation
of U.S.C., Section 242.**

DOJ Civil Rights Division Website–Definition of Color of Law.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned

not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnaping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

2) Civil Service Reform Act 1978; merit system 2301 title 5, USC Code. (4) All employees to maintain high standards of integrity, conduct, and concern for public interest. (5) The Federal work force to be used efficiently and effectively. (6) Employees to be retained on the basis of the adequacy of their performance, inadequate performance to be corrected and employees to be separated who cannot or will not improve their performance to meet required standards. (8)Employees (A) a violation of any law, rule, or regulation (B) mismanagement, gross waste of funds, abuse of authority or substantial-specific danger to public health/safety. Retention//Separation-The merit system does not tolerate poor performance.

A Civil Servant or public servant is a person employed in the public sector on behalf of a government department or agency. A civil servant or public servant's first priority is to represent the interests of citizens.

The Federal Title 18, U.S.C. Section 242-Deprivation of Rights Under Color of Law and the Civil Service Reform Act

1978; merit system 2301 title 5, U.S.C. laws, procedures and practices endorse, ratify and Quash Federal, State and Local Government Sovereign Immunity.

3) The Plaintiff received a Schedule A certification letter from the State of Virginia enabling Federal SES employment on a Disabled non-competitive appointment.

4) The Plaintiff was granted a Disabled fee waiver for numerous claims in the US Court Eastern District of Virginia (Washington DC suburbs).

5) The Disabled Plaintiff was granted forma pauperis status.

6) The ADA, American with Disabilities Act (42 U.S.C. § 12101) is a civil rights law that prohibits discrimination based on disability. States and Local Governments need to accommodate the Disabled in all aspects of Government Judicial operations and that includes accommodation and the civil rights for legal remedies.

7) The Federal Tort Claims Act (FTCA) allows claims against the Federal Government, Title IV, 60 Stat. 812, "28 U.S.C. Pt.VI Ch.171" and 28 U.S.C. § 1346) The FTCA is a federal statute that permits private parties to sue the United States in federal court. This is a waiver of sovereign immunity, permitting citizens to pursue tort claims against the government. The FTCA endorses and ratifies to Quash the Federal, State and Local Governments Sovereign Immunity.

8) The Federal Tort Claims Act.

The FTCA exempts some intentional torts. The FTCA does not exempt intentional torts committed by "investigative or law enforcement officers," allowing individuals aggrieved by the actions of law enforcement to have their day in court. This Claim was submitted to the Federal and Local Law Enforcement and the Federal Tort Claims Act endorses and

ratifies to Quash Federal, State and Local Government Sovereign Immunity.

9) Private parties may sue the Federal Government in the US District Court, the US Claims Court and the US Tax Court. Federal procedures and practices endorse and ratify to Quash Federal, State and Local Government Sovereign Immunity.

10) 18 U.S. Code § 2255. Civil remedy for personal injuries
Plaintiff Mark Downey - Personal Injury Induced by the
Government's Massive Illegal, Reckless & Unjustified
Whistleblower Deletions.

SEVERE STRESS

- **Severe Esophagus problem, cannot swallow when eating;**
- **Coughing spells throughout the day;**
- **Heartburn 6 times a day;**
- **Passed out while driving and when home passed out for 3 hours.**
- **Physical Aliments;**
- **Physiological Aliments;**
- **Under Medical Care;**
- **Federal Government Induced Financial Hardship-Stress, (expenses during 5 year Massive , 80,000 page effort - no compensation; toner, paper, postage - \$50,000, at his own expense) – A Waste !**
- **Substantiated Disability; Several Federal cases the Judge granted a Disability Fee Waiver, the State of Virginia provided a letter for a SES Disabled Schedule A non-competitive Federal appointment.**

Motion to Accommodate the Disabled

The Plaintiff has established that he is Disabled; a Disabled Fee Waiver was granted in a previous Federal case and a letter was furnished from the State of Virginia permitting the Plaintiff Federal employment in a Disabled Schedule A SES non-competitive position.

Proposed Avenue to Accommodate the Disabled.

- **Disabled Plaintiff requests forma pauperis. The Disabled Plaintiff requests that the Motions and the entire case be determined and ruled by correspondence, with no appearances. In addition the review of the detailed Motions outside of the confines of the Courtroom will enable the Judge to have an opportunity for unconstrained thought and consideration before rulings are made in this case which has a significant impact. A Federal Court Clerk said, “A Judge can do anything”;**
- **Grant the Motion to Seal the Case;**
- **Grant the Motion to Expedite the Case;**
- **Serve the Defendants with the Complaint and furnished Exhibits, via US Marshal and Fee Waiver;**
- **Permit Answers from all Defendants, via correspondence;**
- **Permit the Plaintiff to reply to all Answers, via correspondence;**
- **Obtain a Motion Order based upon the Complaint, Exhibits, Answers and Reply with Joint and Several Liability.**

Motion to Expedite & Seal

Expedite is necessary due to the Plaintiff being disabled to curtail expenses for the Court and all parties.

The Motion to Seal is necessary to curtail Government retaliation and to accommodate under the Whistleblower Protection Act.

Motion to Designate the Primary Defendant for the Defendant Class Action Claim

A trade association is an organization founded and funded by businesses and it represents a specific industry. An industry trade association performs public relations, education, political donations, lobbying, publishing and collaboration between member companies. This Defendant Class Action Claim designated a Primary Defendant Association to represent all of the Defendant Industry Members.

Rule 23. Class Actions (Defense Class Action)

(a) Prerequisites. One or more members of a class may sue or be sued as representative parties on behalf of all members only if:

- (1) the class is so numerous that joinder of all members is impracticable;**
- (2) there are questions of law or fact common to the class;**
- (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and**
- (4) the representative parties will fairly and adequately protect the interests of the class.**

(1) prosecuting separate actions by or against individual class members would create a risk.

(3) the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior

to other available methods for fairly and efficiently adjudicating the controversy. The matters pertinent to these findings include:

(1) Certification Order.

(A) Time to Issue. At an early practicable time after a person sues or is sued as a class representative, the court must determine by order whether to certify the action as a class action.

(2) Notice.

(d) Conducting the Action.

(A) determine the course of proceedings or prescribe measures to prevent undue repetition or complication in presenting evidence or argument;

(B) require—to protect class members and fairly conduct the action—giving appropriate notice to some or all class members of:

(B) Grounds for a Decision to Give Notice. The court must direct notice in a reasonable manner to all class members who would be bound by the proposal if giving notice is justified by the parties' showing that the court will likely be able to:

(2) Approval of the Proposal. The proposal will bind class members and the court will approve it on finding that it is fair, reasonable, and adequate after considering whether:

(A) the class representatives and class counsel have adequately represented the class;

(D) the proposal treats class members equitably relative to each other.

Motion to Refer Criminal Case to the US Attorney

1) 1666 - Destruction of Government Property, 18 U.S.C. §1361Section 1361;

2) 49 U.S. Code § 40115 – Withholding information;

- 3) 18 U.S. Code § 1519 – Destruction, alteration, or falsification of records in Federal investigations;**
- 4) 18 USC Code 2255 Civil Remedy for Personal Injuries;**
- 5) Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law – Civil & Criminal;**
- 6) Conspiracy. 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States, Civil & Criminal;**
- 7) Title 18, U.S.C., Section 241 Conspiracy Against Rights; Civil & Criminal;**
- 8) Denied Legal Discovery; Spoliation of Evidence;**
- 9) FIOA Act; Spoliation of Evidence, 5 U.S.C. § 552;**
- 10) 49 U.S.C. § 40115 - Withholding information;**
- 11) 18 U.S.C. 1621 – Perjury, Deliberate, Deceitful, Repeated, Unethical, Intentional stating wrong Statute of Limitations.**

A Virginia Judge and Practicing Attorney said Criminal charges lay the foundation and establish critical evidence for a Civil Lawsuit. The IRS deliberately and illegally deleted almost 600,000 of the Plaintiff's Whistleblower Accepted submissions in 5 years, working 15-hour-days; 80,000 pages and 30,000 other Whistleblower Accepted Submissions. The Government caused, induced, inflicted and violated numerous U.S.C. codes resulting in severe stress in life-threatening emotional and physical Personal Injury. The Government Accepted Whistleblower Submissions were Destruction of Government Property; 1666 18 U.S.C. §1361. The Court Clerk said, "A Judge can do anything"; as a Former Consulting Forensic Scientist, Technologist and Programmer, I know this is possible.

Criminal Referrals. IRS Commissioner Rettig of Washington DC , Lee Marvin, Director IRS Whistleblower Program, Washington, DC; Mr. Peterson, IRS Whistleblower

Program, Ogden, Utah; IRS Whistleblower Office, Ogden Utah (staff of 65), other Officials need to be identified (Judiciary Branch, Executive Branch, Legislative Branch.)

I received a letter from Lee Marvin, the Director of the IRS Whistleblower Program in Washington, DC, on February 19, 2019, in response to my letter on November 6, 2018 to IRS Commissioner Rettig, (an incredible 4 months later), he said I have no Claims. Then I spoke with the IRS Whistleblower Office in Ogden, Utah, Mr. Peterson and he said I have (4) open claims. This confirms that the IRS illegally deleted over 543,000 of the Whistleblower Accepted Claims and it confirms that the IRS does not know what the heck they are doing; Civil and Criminal Violations, the 18 U.S.C. § 1519; Destruction of Government Property; Plaintiffs thousands of Accepted Whistleblower Submissions and 30,000 of other people's submissions).



Mark Downey, Pro se

Drawer SS

McLean, VA 22101-0729

(703) 790-9433 downeydata@netzero.net

United States District Court;

Southern District of New York, New York City

Mark Downey)
Drawer SS)
McLean, VA 22101-0729)
)
Estate of Virginia Downey)
)
Plaintiffs)
)
v.)
)
United States of America (Sue))
)
William Barr (serve))
DOJ (Sue))
Attorney General)
950 Pennsylvania Ave NW)
Suite 7141)
Washington, DC 20530)
)
Benjamin C. Glassman (Serve))
US Attorney)
DOJ – (Sue))
303 Marconi Boulevard)
Suite 200)
Columbus, OH 43215)
)
Kevin Johnson, CEO (Serve))
Starbucks (Serve))
2401 Utah Ave South)

Case: _____

Seattle, WA 98134)

John Boyle, Chairman (Serve))
National Coffee Assn USA)
(Sue))
45 Broadway Suite 1140)
New York, NY 10006)
(Designated Primary Defendant)
For Defendant Class Action Suit))
)
Defendants.)

COMPLAINT

MAY IT PLEASE THE COURT;

COME NOW the Plaintiff, Mark Downey, a former Federal Forensic Scientist/Technologist/Programmer on a Federal Disability, who respectfully demands judgment against the aforementioned named Defendants, on the grounds and in the amount as are hereinafter set forth below.

Parties

The Plaintiff, Mark Downey is a former Consulting Federal Forensic Scientist/Technologist on a Federal Disability. Plaintiff has lived and worked in Northern Virginia, Washington DC suburbs for 50 years. The Defendant is the United States Government, FAA, NetJets, Federal Aviation Administration.

In process of filing a Claim against the Federal Government one must file a Tort Form 95 with the General Counsel with the Federal Department/ Agency. If the Government denies the Claim, the party has 6 months to file suit, unless there is

Personal Injury or the party is Disabled, which has No Statute of limitations, which is the case.

**General Counsel
Thomas Armstrong
GAO
441 G Street, NW
Washington, DC 20548**

**General Counsel, Bureau of Fiscal Service
General Counsel
Paul Wolfteich
Liberty Center Building
401 14th Street, SW
Washington, DC 20227**

**General Counsel
DOJ
950 Pennsylvania Ave, NW
Washington, DC 20530**

**ALDEN F. ABBOTT
GENERAL COUNSEL
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580**

- **General Counsels have limited financial authority; therefore the DOJ Attorney General and the DOJ US Attorney are the ultimate Claim Authority and the liable Defendants;**
- **All General Counsels unjustly denied all FOIA requests;**

- **All General Counsels denied providing Internal Tort procedures. There is No Federal uniform or standard it is necessary and critical for a comprehensive, worthwhile and effective with merit Discovery;**
- **All General Counsels are in violation Federal U.S.C. Codes, including the Withholding of Evidence and Spoliation of Evidence in an on-going, pending legal proceeding.**
- **All General Counsels denied the Claims without citing a U.S.C. Code or citing a legal defense or reason for the denial.**
- **All General Counsels had no communication of any kind;**
- **One General Counsel as abusive and said, "Sue me !";**
- **All General Counsels did not telephone the Plaintiff;**
- **All General Counsels did not send any emails;**
- **All General Counsels did not mail any letters;**
- **All General Counsels did propose and Settlements;**
- **All General Counsels deliberately and unethically stated the Statue of Limitations as 6 months, when the Plaintiff expressly stated there is No Statue of Limitations based on Personal Injury or Disability.**
- **All General Counsels ignored, are unresponsive, unconcerned and incapable of solving problems or making decisions;**
- **The Plaintiff had a telephone call for half an hour with a Staff Member of the House Oversight and Reform Committee and he said, "We should have more people like you, everyone is sitting on their butt !"**

**The Plaintiff is a Industry Expert and
Qualified Expert Witness in;**

- **Intricacies of the Federal Government, having lived and worked in the Washington, DC Metro Area for 50 years;**
- **Computer Industry; Software and Hardware;**
- **Nominated for the National Medal of Technology which is awarded by the President;**
- **Author of (14) Books, 900 pages;**
- **Legal Industry; litigation, criminal, civil, forensics, court administration, legal technology, self-representation - pro se, (Rated "Highly Qualified" for SES positions for the US Courts, the US Justice Department, as a US Supreme Court Fellow and as a Federal Inspector General);**
- **Law Enforcement; Federal and Local;**
- **Federal Procurement;**
- **Government Administration and Systems;**
- **Innovations and Government Reforms.**

ADA – Americans with Disabilities Act.

- **Title I (Employment) Equal Employment.**
- **Title II (State and Local Government) Disability Nondiscrimination.**
- **Title III (Public Accommodations) Disability Nondiscrimination, Public Accommodations.**

Introduction.

Lawyers and Law Firms represent many Clients and file numerous lawsuits. The Disabled Plaintiff is pro se or self-represented and represents the Federal Government in Whistleblower Programs (IRS, SEC, CFTC) for qui tam, the False Claims Act and the Dodd Frank Act to recover numerous massive cost-overruns, excessive spending,

delinquent accounts, fraud and undiscovered revenue recovery with the goal to eliminate the mounting \$21 Trillion Federal Budget Deficit for our Children's Children; a monumental and history making feat. The effort is realistic and attainable. The Plaintiff made significant in-roads and progress has been accomplished, including through research, comprehensive Discovery and the Plaintiff seeks follow-through in Court. The Whistleblower programs are Law Enforcement Programs allowing legal recourse on a qui tam basis. The Plaintiff has a forma pauperism status and as a Disabled pro se, self-representation the Plaintiff requests accommodations for just, fair and impartial settlements and rulings.

The Disabled Plaintiff's lifetime goal is to use his 50 years of working for and with the Federal Government for a history making feat. He worked for 5 years, 15-hours-a-day with NO Compensation, resulting in 80,000 pages; almost 600,000 submissions. A Federal Whistleblower employee said, "That would take years." The Government's attitude is, "It would take a long time therefore we do not have to do anything." Instead of the IRS and the Federal Government working in concert and collaboration with the Disabled Whistleblower, the entire Federal Government orchestrated a War to decimate all of his efforts to Balance the Federal Budget.

The Disabled Plaintiff wants to paid for his generous, honest, sincere, unbelievable, public-spirited, unselfish, determined, massive 5 year effort - it is the right thing to do.

The Federal Balanced Budget effort was and when reactivated is attainable and realistic. The IRS annulated

his massive, extraordinary accomplishments which would have resulted in a Worldwide Economic Explosion !

A Government Official said, “Why do you want to change things?” I said, “To make it better.” His reaction was a puzzled, dumbfounded look. That is the sorry state of the entire Federal Government. The Government resists change and is anti-Improvement and is so big, it can’t react; The Entire Government is Dead Weight !”

Although the Plaintiff is pro se – his legal, litigation, court administration, methodical research, Federal law enforcement expertise and experience was employed to substantiate, collaborate, verify and validate the merits of this case.

The Court has several criteria and basis to disqualify or remove a case; Jurisdiction, Failure to State a Claim, Frivolous Lawsuits, Harassment and unjustly increasing the Court Caseload. The Plaintiff made a diligent effort to comply with the Court’s standards and criteria.

State a Claim.

The Plaintiff formulated the design of a straight-forward Statement of Claim form with;

- **Court Name, Division, Case Number;**
- **Title of Proceedings, Plaintiff(s), Defendant(s);**
- **Filing Details, Party of Proceeding, Contact, telephone, email;**
- **Type of Claim/Case Summary and Date;**
- **Relief Claimed, Amount of Claim, Interest;**

- **Pleadings and Particulars, Parties (Plaintiff(s) and Defendant(s).**

Jurisdiction.

The Federal Courts are courts of limited jurisdiction, meaning that they only exercise powers granted to them by the Constitution and Federal Laws. There are several forms of subject-matter jurisdiction, but the two most commonly appealed to are federal-question jurisdiction and diversity jurisdiction. Federal question jurisdiction is available when the plaintiff raises a claim that arises under the laws, treaties, or Constitution of the United States, as opposed to claims arising under state law. By the "Well-Pleaded Complaint" rule, federal question jurisdiction is not available if the federal issue arises only as a defense to a state-law claim. Diversity jurisdiction, on the other hand, is available regarding state-law claims if every plaintiff is from a different state from every defendant (the requirement for so-called complete or total diversity) and the amount in controversy exceeds \$75,000.

If a Federal Court has subject matter jurisdiction over one or more of the claims in a case, it has discretion to exercise ancillary jurisdiction over other state law claims.

Definition of Frivolous.

In law, frivolous litigation is the practice of starting or carrying on lawsuits that, due to their lack of legal merit, have little to no chance of being won.

Definition of Harassment.

Harassment is the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.

Increasing Caseload.

By a Federal Court Clerk's own admission, "We do not look at the Content." As Judge Hurd of Fairfax County, Virginia (Washington DC suburbs) stated, "Each Individual case is judged upon the Individual Merit." Therefore, the rule is that Courts make a determination based on the Individual Cases Merit", not the number of cases.

The following Complaint consists of the following descriptors;

- **Willful;**
- **Deliberate**
- **Unethical**
- **Reckless;**
- **Ill Advised;**
- **Civil Rights Violations;**
- **Blatant Disregard of the ADA – American Disabilities Act (Plaintiff is Disabled);**
- **Malicious;**
- **Interference;**
- **Independent Conspiracy;**
- **Harm;**
- **Unfounded;**
- **Collaboration in Concert;**
- **Insufficient Denial Grounds;**
- **Alleged Breach of Fiduciary Duty**

- **Antitrust**
- **Securities Code Violations**

COUNT A.

Starbucks Prices.

Howard D. Schultz
Chairman and CEO
Starbucks
2401 Utah Ave S
Seattle, WA, 98134

Employees: over 40,000

Starbucks is the world's #1 specialty coffee retailer, Starbucks has more than 29,300 coffee shops in 80 countries. The shops offer coffee drinks and food items, as well as roasted beans, coffee accessories, and teas. Starbucks operates more than 15,300 of its own shops, which are located mostly in the US, while licensees and franchisees operate roughly 14,000 units worldwide (including many locations in shopping centers and airports). In addition, Starbucks markets its coffee through grocery stores, food service customers, and licenses its brand for other food and beverage products.

I was in an Inventors Club and an Inventor stood up and said, "I wish I invented the \$8.00 cup of Coffee." Clearly Starbucks has excessive prices and is a Monopoly.

I contend that the giving process is discretionary, at the whim of the Company. The Company has to do virtually nothing to obtain the gift and the Company should be subject of a "Self-Imposed Gift Tax."

There is No Statue of Limitations on the ADA, Americans with Disabilities Act.

COMPLAINT - Case Summary

The Federal Government should be cost-conscious. Tens of Billions are spent each year in Cost Overruns and nothing is being done to recover these massive multi-Billion dollar expenses. The Vendors/Contractors are at fault, the more the overrun, the more the profit. Contractors/Vendors have a contract and they should abide by it. I contend that the Federal Government should be reimbursed for these massive and excessive cost-overruns. We have to balance the budget and eliminate the \$21 Trillion budget deficit, for our Children's Children.

This Complaint was sent to all of the General Counsel Federal Defendants; Form 95 Tort Claim and they either ignored the Legal Claim or denied the Claim. In addition, the Complaint was sent to all Federal CIOs, Chief Information Officers (approx. 180) and all Federal Procurement Officers (approx. 240) and they all ignored the Legal Complaint; accepting and condoning cost-overruns and excessive spending a violation of Federal Merit Employment laws; the

Civil Service Reform Act 1978; merit system 2301 title 5, USC Code.

The trend is for free PC software. The PC operating systems software such as Linux and dozens of other PC operating systems are Free, not with Microsoft Windows. In addition the Internet has free software; LinkedIn, Facebook, Google, Gmail, etc... I contend that Microsoft is excessively over charging the General Public, the Federal Government and Local Governments for Windows software.

Facts - Case Summary

Often Government Policies and Laws differ from the Values and Will of the American People. The Will of the People is Stronger than Any Law. Tort Claims were submitted for to the Government in an effort to Balance the Federal Budget Deficit; the mounting \$21 Trillion. The follow-up lawsuits will enforce compliance and reduction of excessive and out-of-control Federal cost-overruns and excessive spending for our Children's Children. In addition the follow-up lawsuits will result in the massive generation of revenues for the Federal Government to significantly reduce the mounting Federal Budget Deficit. Federal Claims have already been filed, which means that settlements and/or litigation may proceed. The follow-up effort will have a dramatic, stunning and spectacular impact on the entire World Economy !

Numerous Administrative Dispute Resolutions were sent, the Form 95 Federal Tort Claims Act (FTCA) for one or more Complaints to numerous General Counsels of Federal Departments/Agencies which they have authority,

responsibility and oversight. The follow-up resolutions will have dramatic impact on the entire US and World Economy !

Under the Federal FTCA, 28 U.S.C. §§ 2671-2680, individuals who are injured or whose property is damaged by the wrongful or negligent act of a federal employee acting within his or her official duties may file a claim with the government for reimbursement for that injury or damage. To state a valid claim, the claimant must demonstrate that:

- **he or she was injured, or his or her property was damaged by a federal government employee;**
- **the employee was acting within the scope of his or her official duties;**
- **the employee was acting negligently or wrongfully; and**
- **the negligent or wrongful act proximately caused the injury or damage of which he or she complains.**

The Federal Whistleblower Programs are riddled with red-tape and legal delays. The Whistleblower process desperately needs to be reorganized and streamlined ! The Plaintiff repeatedly proposed many avenues to correct the Whistleblower programs; **all Avenues were ignored.**

The Disabled Plaintiff submitted and had the Government accept the massive amount of 543,455 Whistleblower submissions (some with thousands of entries), 80,000 pages in 5 years, 15-hours-a-day and received absolutely NO compensation. The submissions exceeded \$40 Trillion.

The Federal Government should be cost-conscious. Tens of Billions are spent each year in Cost Overruns and nothing is being done to recover these massive multi-Billion dollar expenses. The Contractors are at fault, the more the

overrun, the more the profit. Contractors have a contract and they should abide by it. I contend that the Federal Government should be reimbursed for these massive cost-overruns. The goal is to balance the budget and eliminate the \$21 Trillion Federal Deficit. It would be a monumental and history making feat for our Children's Children.

First the Plaintiff was angry when the Whistleblower Program rejected 400 of the accepted submissions at one time. The Plaintiff wrote numerous complaint letters (Complaint 1). Then Mr. Peterson of the Whistleblower Program in Ogden, Utah said the Plaintiff had only 226 accepted submissions pending. The Plaintiff wrote more complaint letters (Complaint 2). A week later Mr. Peterson said the Plaintiff had only 116. Even the Government said that is not good. The Plaintiff wrote more Complaint letters (Complaint 3). Each time the Plaintiff fired off numerous detailed Complaints including to Inspector Generals; over 30 letters and emails. The Plaintiff was ignored, nothing was changed or corrected. It is necessary for people to complain. If you don't complain how are they going to know that there is a problem, that they need to improve. The Government is a living entity subject to change, from laws, regulations, codes and the will of the people. The Whistleblower Program immediately sends a letter and accepts the submission and this "installs false hope." The Government said the Plaintiff had 4,900 rejections – The Plaintiff did not receive 4,900 rejection letters, even though they said they did. It is easier for the Government to reject submissions than to process the submissions. After the submissions were accepted the Government changed the rules, using fly-by-night rules and rejected almost 600,000

submissions, not just the Plaintiffs, but 30,000 other Whistleblowers, this is criminal ! (U.S.C. Code. 1666).

A Federal Jury will be outraged about the Government illegally and unjustly deleting a Disabled Person's five years of work in 15-hour-days, a unselfish act and intent to eliminate the mounting \$21 Trillion Budget Deficit for his Country and our Children's Children.

- **The IRS claims they have the discretion to do anything that they want – there is No discretion for Destruction of Government Property 1666, 18 U.S.C. §1361Section 1361 or 18 U.S. Code CHAPTER 73 Obstruction of Justice.**
- **The Government did not even investigate or even try; instead they incinerated all of the Whistleblower submissions, without cause or justification. They even said they sent thousands of letters of notification, when they did not.**
- **The IRS General Counsel mailed back (57) Whistleblower Accepted submissions, over 5,000 pages without enforcement – a “Dereliction of Duty” (April 9, 2019.)**
- **A few deletions might be a mistake, however, 600,000 deletions is deliberate and malicious.**
- **The IRS said, “It is at our own discretion” we do not have to do anything – but they want their Paycheck!**

- **The IRS receives the most Complaints of any Federal Agency and is the most Hated Federal Agency.**
- **The Government and the IRS treated the Disabled Whistleblower and the 30,000 other Whistleblowers – like Dirt!**

Time is of the Essence

- **The Government did Not Accommodate the Disabled.**
- **In the Massive 5 year effort, no compensation was received.**
- **A Jury will be Very Sympathetic on the Government's Reckless Destruction of Government Property and total Disregard of a Disabled Person's Unselfish, Generous Non-Compensated effort to better his Country.**
- **30,000 other Whistleblower submissions were deleted;**
- **The Government wasted 5 years of his Life.**
- **Numerous Federal Statutes were Violated.**

Due to the unauthorized and illegal deletion of 543,455 IRS Whistleblower submissions the only recourse was to file Legal Claims with each Individual Department/ Agency, (Form 95, the Federal Tort Claims Act).

Count 1 – Antitrust.

The Clayton Antitrust Act of 1914 (Pub.L. 63–212, 38 Stat. 730, enacted October 15, 1914, codified at 15 U.S.C. §§ 12–27, 29 U.S.C. §§ 52–53), was a part of United States antitrust law with the goal of adding further substance to the U.S. antitrust law regime; the Clayton Act

sought to prevent anticompetitive practices in their incipency

State Claim Count.

The Corporation engages in excessive and absorbent pricing of its products to the Federal and Local Governments, the private sector and homeowners. The Corporation and the product have a stronghold on the market and the company defends that market fiercely so that no other company can compete. That is a definition of a Monopoly. The abusive corporate bully conduct and monopoly dominance continues and has escalated.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 2 - Definition of Diversity

Diversity encompasses acceptance and respect. It is understanding that each individual is unique and recognizes individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing

environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

State the Claim Count.

The Federal Government repeatedly violates and does not comply with transparency laws and violates Civil Rights, especially of the Disabled in not furnishing Disabled person requests in a pending, on-going legal claim.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 3 – Accountability of Government Personnel.

Civil Service Reform Act 1978; merit system 2301 title 5, USC Code. (4) All employees are to maintain high standards of integrity, conduct and concern for public interest. (5) The Federal work force to be used efficiently and effectively. (6) Employees are to be retained on the basis of the adequacy of their performance, inadequate performance is to be corrected and employees to be terminated who cannot or will not improve their performance to meet required

standards. (8)Employees (A) a violation of any law, rule, or regulation (B) mismanagement, gross waste of funds, abuse of authority or substantial-specific danger to public health/safety. Retention-Separation - The merit system does not tolerate poor performance.

The federal government's disciplinary personnel process have become so cumbersome that only about 4,000 employees a year -- 0.2 % of the total workforce of 2.1 million -- are fired, according to the Government Accountability Office (GAO). In 2013, the federal agencies dismissed around 3,500 employees for performance or a combination of performance and conduct. The GAO, firing a federal employee often takes from six months to over a year.

The GAO said that only 28% of the agencies had any formal procedure for dealing with poorly performing workers.

Case Examples – First Hand Experiences with Lack of Federal Employee Disciplinary Act.

The Department of Homeland Security said, "We have not fired anyone in 12 years.

In the Search of what Agency is responsible for Federal Employee Conduct and Enforcement of the Civil Service Reform Act 1978 and the Federal Merit system 2301 title 5, USC Code, the OPM said not them; the Department of Labor said not them, the Department pf Justice, not them. All

protect the rights of Federal Employees. This protection is also enforced by the American Federation of Government Employees (AFGE), the largest federal employee union representing 700,000 federal and D.C. government workers nationwide and overseas.

State the Claim Count.

In the five years the Disabled Plaintiff submitted Whistleblower Claims the Government made absolutely no attempt to enforce Federal Employee Merit system compliance; there were massive Federal employee Merit Performance violations, including - mismanagement, cost-overruns, excessive spending, unauthorized and criminal Destruction of Government Property (massive Whistleblower deletions), Obstruction of Justice and endorsing and not correcting Federal Whistleblower programs that do not work.

Narcissistic personality disorder is a personality disorder with a pattern of behavior characterized by exaggerated feelings of self-importance, egotism, superiority, arrogance, excessive need for admiration, a lack of empathy, compassion and sympathy. They often spend much time thinking about and making themselves look good and achieving power or success. They often take advantage of the people around them. The Narcissistic behavior by the IRS Management and the entire IRS Whistleblower staff was ruthless and they flaunted their arrogant control and

inflicted All of the Whistleblowers without cause or justification.

COUNT 4 – Statue of Limitations.

State the Claim Count.

In every Government Tort 95 Claim denial the Government repeatedly, deliberately and unethically stated that the Statue of Limitations is six months, even though the Plaintiff stated in the U.S.C. Code there is No Statue of limitations based on his Disability and Personal Injury; Perjury. There is No Statute of Limitations.

The Tort and Disability Statue of Limitations using the 18 USC Code 2255 Civil Remedy for Personal Injuries (severe induced stress) – the Statue of Limitations is TEN YEARS. The Statue also allows punitive damages; the industry standard is three times and is based upon the size of the entity and seriousness of the incident.

In addition, COUNT - 28 U.S. Code § 2401 - Time for commencing action against United States (a). there is NO Statute of Limitations based on Disability (a).

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and

Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 5 – Punitive Damages.

State the Claim Count.

18 USC Code 2255 Civil Remedy for Personal Injuries, the Statue allows for punitive damages; the industry standard is three times and is based upon the size of the entity and seriousness of the incident. Therefore three-times punitive damages are for all stated Counts.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 6 - 28 U.S. Code § 2401 - Time for commencing action against United States

State the Claim Count.

(a) Except as provided by chapter 71 of title 41, every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal

disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases. (b) A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented. According to “USC Code 28 U.S. Code § 2401 – The time for commencing action against United States (a)”, the Disability Claim from the Disabled Plaintiff is active, on-going and pending and has No Statute of Limitations. In addition, 28 U.S. Code § 2401 - Time for commencing action against US (a). there is NO Statute of Limitations based on Disability (a)..

In the Tort Form 95 denials the Government repeatedly, deliberately, unethically and deceitfully stated that the Statue of Limitations is six months, even though the Plaintiff cited the 28 U.S.C. Code that there is No Statue of Limitations based on his Disability and the Personal Injury Statue; 18 U.S.C. Code 2255 Civil Remedy for Personal Injuries on for all (75) pending Claims.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in

2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 7 – Punitive Damages.

In 18 U.S.C. Code 2255 Civil Remedy for Personal Injuries,

The Statue allows for punitive damages; the industry standard is three times and is based upon the size of the entity and seriousness of the incident; three times punitive damages are for all Counts. The Virginia Consumer Protection Act is a statute like all 50 states, called Uniform Deceptive Acts and Practices statutes. They prohibit any misrepresentation, fraud, false promises or unfair acts. These statutes provide the recovery of punitive damages. The punitive damages is three times the jun 28.

The Virginia Consumer Protection Act is a state statute. A Plaintiff can bring a cause of action for a violation of the VCPA in Federal Court when there is an independent jurisdiction in the Federal Court for the claim. This means that the complaint must contain a claim for a violation of another federal statute or there must be complete diversity between the Plaintiff and Defendant and the jun 28 in controversy must exceed \$75,000.

State the Claim Count.

Punitive damages are in order and permitted in the U.S.C. Code for Personal Injury.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 8 - Title 18, U.S.C., Section 241 Conspiracy Against Rights; Civil & Criminal.

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the US. It is unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

State the Claim Count.

- **No Transparency**
- **Retaliation**
- **Failure of Enforce**

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity

and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 9 - Title 18, U.S.C., Section 242-Deprivation of Rights Under Color of Law – Civil & Criminal

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and US laws.

State the Claim Count.

Self-Serving, beyond authority and abuse of power, Color of Law violations existed when the IRS and the Federal Government acted irresponsibly and illegally by deleting the Plaintiffs Government Accepted Massive Whistleblower Submissions.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 10 – Conspiracy. 18 U.S. Code § 371 - Conspiracy to commit offense or to defraud United States; Civil & Criminal

Conspiracy is defined as “an agreement between two or more persons by some concerted action to commit an offense.” A civil conspiracy or collusion is an agreement between two or more parties to deprive a third party of legal rights or deceive a third party to obtain an illegal objective; suppression and deletion of Massive Government Accepted Whistleblower Submissions.

Whistleblower Deletion Complaints Sent - Ignored !

Confirmed Conspiracy

- **Congressional Committees (30) – Twice Ignored.**
- **Senate Committees (20) – Twice Ignored.**
- **Speaker, Paul Ryan**
- **President Trump**
- **White House Counsel**
- **Virginia Senator Warner – Twice Ignored**
- **Congressman Beyer – Twice Ignored**
- **IRS Whistleblower Program, Submission Office, Ogden, Utah (Staff of 65 and Mr. Peterson)**
- **SEC Whistleblower Program**
- **CFTC, Commodities Whistleblower Program**
- **US Treasury Secretary**
- **Commissioner of the IRS**
- **Director, Lee Marvin, IRS Whistleblower Program, Washington, DC, ignored (3) times.**

- **OCC, OMB, GAO, DCAA, Federal Reserve, DOJ Special Counsel, DOJ Attorney General, DOJ US Attorney, DOJ Civil Rights (Civil & Criminal), DOJ Criminal Division**
- **Department/Agency General Counsels (75)**
- **All Federal Procurement Council Executives**
- **(approx. 240)**
- **All CIOs, Chief Information Officers (Approx. 180)**
- **All Federal Inspector Generals (94)**
- **Council of the Inspectors General on Integrity and Efficiency (ignored (3) times.)**

Total Federal Agencies Ignored – ALL Complaints (719)

State the Claim Count.

The Corporation and the Government deprived the Plaintiff of his rights and deceived with an illegal objective; suppression and deletion of Massive Government Accepted Whistleblower Submissions which would have dramatically reduced the mounting \$21 Trillion Federal Budget Deficit.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 11 - Internal Revenue Code (IRC) 7623(b) - IRS Whistleblower Program. IRM 1.1.26 Whistleblower Office, Tax Relief and Health Care Act of 2006, IRC §7623.

The award percentage ranges are statutory, up to 30%.

There is no limit on the dollar jun 28 of the award.

Individuals are eligible for awards based on additions to tax, penalties, interest, and other jun 28s collected as a result of any administrative or judicial action resulting from the information provided.

IRS Whistleblower Program Violations.

IRM Part1 1.1.26 Whistleblower Office – Authority, the Whistleblower Office administers payment of awards; Internal Revenue Code (IRC) section 7623.

Responsibilities - The Whistleblower Office:

Review and evaluate claims for an award filed by whistleblowers.

Coordinates whistleblower claims with other functions within the Service.

Monitors claims throughout the life of each claim, including through the investigation, examination, appeals, collection process, and award issuance.

Evaluates the benefit of the information brought forward by the whistleblower.

Makes a determination about the appropriateness of an award including the applicable award percentage, jun 28s attributable and collected proceeds.

Chairs the Whistleblower Executive Board which provides executive level coordination and direction for the Whistleblower Program.

Facilitates communication with external and internal customers and stakeholders concerning the Whistleblower Program.

State the Claim Count.

The enclosed Claim was submitted to several Federal Whistleblower programs as well as Federal Department/ Agency General Counsels and US Attorneys, due to the incredible and massive jun 28 of Whistleblower claims, almost 600,000. The Plaintiff was also told the Claims would take the incredible and unacceptable time of 20 years to be finalized. In addition ALL of the Plaintiff's Whistleblower submissions over a 5 year period, 15-hour-a-day-effort, 80,000 pages, were deleted without notice, permission or justification, an illegal and criminal offense; 18 USC 1391. The Plaintiff's only recourse was to submit Federal Court Legal claims. The Individual Department/Agency is responsible, with the entire oversight being the DOJ Attorney General and the DOJ US Attorney.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 12 - The Federal Tort Claims Act.

The FTCA exempts some intentional torts. The FTCA does not exempt intentional torts committed by "investigative or law enforcement officers," allowing individuals aggrieved by the actions of law enforcement to have their day in court.

State the Claim Count.

The Federal Whistleblower Programs are "Investigative Law Enforcement Agencies", allowing legal remedies.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 13 - 28 U.S. Code § 2401 - Time for commencing action against US (a) Except as provided by chapter 71 of title 41, every civil action commenced against the US shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability at the time the claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

State the Claim Count.

According to “USC Code 28 U.S. Code § 2401 – The time for commencing action against United States (a)”, the Disability Claim from the Disabled Plaintiff is active, on-going and pending and has No Statute of Limitations.

All (75) Federal General Counsels denied, refused to recognize, acknowledge and comply with the Federal U.S.C. Code Statue of Limitations Code.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in

2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 14 - Definition of Diversity

The concept of diversity encompasses acceptance and respect. It means understanding that each individual is unique, and recognizing our individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs, political beliefs, or other ideologies. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

State the Claim Count.

The Federal Government violates and does not comply with transparency laws and violates Civil Rights, especially of the Disabled in not furnishing Disabled person requests in a pending, on-going legal claim.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in

2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 15 - Federal Contractors are Responsible for Cost Overruns

Contractors play a role in cost overruns. If they know that low bids will help win federal business, they have an incentive to underestimate project costs. That strategy pays off if contractors know from experience that bids are just the initial floor of funding. Contractors bid low if they know that over budget projects that are already underway will receive added funding.

State the Claim Count.

The Federal Government has a blind-eye and does not enforce fiscal accountability or compliance of Federal FAR Procurement laws or U.S.C. laws.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 16 - Federal Service Contracts.

Rules apply to service contracts. They must be performance-based to the extent practicable, with measurable outcomes. FAR 37.102 and FAR Part 37.6 codes describe performance-based methods. FAR 37.601 code has specific requirements for performance work statements (PWS) for service contracts requiring performance-based standards. Agency supplements also require performance-based acquisitions.

Performance Based Service Acquisition (PBSA) is a process and way of defining requirements that yields well written work statements that are outcome oriented and measurable thus enforceable. Assessments and process analysis defines performance work statements. A Performance Work Statement (PWS) has:

An outcome-based definition of the service deliverable

Performance standards that are measurable

A plan for measuring and evaluating performance

A matrix of related services i.e., generator maintenance

State the Claim Count.

The Corporation and the Federal Government violated Federal Procurement laws, FARs due to no fiscal oversight, monitoring and regulation of Contractors performances, unauthorized expenses and payments.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 17 - The Government is Responsible & Accountable for Excessive Spending, Cost Overruns.

State the Claim Count.

The budget of each Department and Agency unmonitored will and has devastating consequences; fraud, cost-overruns, excessive spending and abuse.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 18 – Dodd Frank Act.

What is the Dodd Frank Act ?

The Dodd-Frank Act a Federal Law to promote the financial stability of the United States by improving accountability and transparency in the financial system.

State the Claim Count.

The Government or Whistleblower Programs make absolutely no accommodation of the Dodd Frank Act.

Claim - \$5M plus punitive damages of the industry practice of three times the jun 28 of \$15M. The jun 28 sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 19 – False Claims Act.

31 U.S.C § 3729-False claims-What is the False Claims Act ?

The False Claims Act is a Federal Law that imposes liability on persons and companies and federal contractors who defraud governmental programs.

State the Claim Count.

The Government or Whistleblower Program made absolutely no accommodation of the False Claims Act.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 20 – False Claims Act - Qui Tam.

31 U.S. Code § 3729 - False claims - What is Qui Tam ?

Qui Tam allows a private individual who assists a prosecution can receive all or part of any penalty imposed.

State the Claim Count.

The Government and Whistleblower Programs make absolutely no accommodation of Qui Tam.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 21 – Accountability of Government Personnel.

Civil Service Reform Act 1978; merit system 2301 title 5, USC Code. (4) All employees to maintain high standards of

integrity, conduct, and concern for public interest. (5) The Federal work force to be used efficiently and effectively. (6) Employees to be retained on the basis of the adequacy of their performance, inadequate performance to be corrected and employees to be separated who cannot or will not improve their performance to meet required standards. (8)Employees (A) a violation of any law, rule, or regulation (B) mismanagement, gross waste of funds, abuse of authority or substantial-specific danger to public health/safety. Retention//Separation-The merit system it does not tolerate poor performance.

State the Claim Count.

In the five years the Plaintiff submitted Whistleblower Claims the Government made absolutely no attempt to enforce Federal Employee Merit system compliance; there were massive Federal employee Merit Performance violations, including - mismanagement; gross waste of funds and endorsing and not correcting Federal Whistleblower programs that do not work.

A DEA employee said, "We did not ask for it." That is closed-minded and a refusal of suggestions, ideas and is a violation and refusal of qui tam, to save the Government and the Public money.

A Government Official said, "It would take money away from other things, my salary."

The federal government's disciplinary personnel process have become so cumbersome that only about 4,000 employees a year -- 0.2 % of the total workforce of 2.1 million -- are fired, according to the Government

Accountability Office (GAO). In 2013, the federal agencies dismissed around 3,500 employees for performance or a combination of performance and conduct. The GAO, firing a federal employee often takes from six months to over a year.

The GAO said that only 28% of the agencies had any formal procedure for dealing with poorly performing workers.

Case Examples – First Hand Experiences with Lack of Federal Employee Disciplinary Act.

The Department of Homeland Security said, “We have not fired anyone in 12 years.

In the Search of what Agency is responsible for Federal Employee Conduct and Enforcement of the Civil Service Reform Act 1978 and the Federal Merit system 2301 title 5, USC Code, the OPM said not them; the Department of Labor said not them, the Department of Justice, not them. All protect the rights of Federal Employees. This protection is also enforced by the American Federation of Government Employees (AFGE), the largest federal employee union representing 700,000 federal and D.C. government workers nationwide and overseas.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 22 – IRS Whistleblower Program Violations

State the Claim Count.

Claims were submitted in the IRS Whistleblower program, almost 600,000 submissions that were illegally and criminally deleted.

Dodd–Frank Wall Street Reform and Consumer Protection

Act. The Dodd-Frank Act promotes the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 23 – Violation - Whistleblower Protection Act.

The Whistleblower Protection Act, 5 U.S.C. 2302(b)(8)-(9), Pub.L. 101-12 is a law that protects federal whistleblowers and report the existence of an activity constituting a violation of law, rules, regulations, mismanagement, waste of funds, abuse of authority or a danger to public health and

safety. A federal agency violates the Whistleblower Protection Act if authorities take/threaten retaliatory action.

State the Claim Count.

The Federal Government and the IRS violated the trust, credibility, sanctify and confidential protection of the Whistleblower Plaintiff by massive unethical and illegal deletions of the Plaintiff's and the Government accepted Whistleblower submissions and 30,000 other Whistleblowers.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 24 – Statue of Limitations.

State the Claim Count.

In every Government Tort 95 denial the Government repeatedly, deliberately and unethically stated that the Statue of Limitations is six months, even though the Plaintiff stated in the U.S.C. Code there is No Statue of limitations based on his Disability and Personal Injury; Perjury.

The Tort and Disability Statue of Limitations using the 18 USC Code 2255 Civil Remedy for Personal Injuries (severe

Government induced stress) – the Statue of Limitations is TEN YEARS. The Statue also allows punitive damages; the industry standard is three times and is based upon the size of the entity and seriousness of the incident.

In addition, COUNT - 28 U.S. Code § 2401 - Time for commencing action against United States (a). there is NO Statute of Limitations based on Disability (a).

COUNT 25 - 18 USC Code 2255 Civil Remedy for Personal Injuries, Mark Downey

State Claim Count.

Plaintiff Mark Downey - Personal Injury Induced by the Government's Massive Illegal, Reckless & Unjustified Whistleblower Deletions.
SEVERE STRESS

- **Severe Esophagus problem, cannot swallow when eating;**
- **Coughing spells throughout the day;**
- **Heartburn 6 times a day;**
- **Passed out while driving and when home passed out for 3 hours.**
- **Physical Aliments;**
- **Physiological Aliments;**
- **Under Medical Care;**
- **Federal Government Induced Financial Hardship-Stress, (expenses during 5 year Massive , 80,000 page effort - no compensation; toner, paper, postage - \$50,000, at his own expense) – A Waste !**

- **Substantiated Disability; Several Federal cases the Judge granted a Disability Fee Waiver, the State of Virginia provided a letter for a SES Disabled Schedule A non-competitive Federal appointment.**

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 26 - Personal Injury – Estate of Virginia Downey

SEVERE STRESS - Psychological & Physical

18 U.S. Code § 2255. Civil Remedy for Personal Injuries

Personal Injury Induced and Inflicted by the Government

Virginia Downey was 86 years old, Disabled with Heart Disease, High Cholesterol, Alzheimer's and Diabetes. Mark Downey lived with her his entire life, they were Best Friends. She was a Pillar of the Community, the Former Interior Designer for Henry Ford. Mark Downey admired her accomplishments, wisdom and outlook on life. She cared for her Disabled son, for him financially and emotionally as he did her. When she was passing of Alzheimer's Mark Downey feed her with an eye-dropper for three days. Mark Downey was severely depressed and is to this this day. The Massive

illegal, 80,000 page, 5 year effort IRS Whistleblower Submission Deletion/Destruction event compounded the situation inducing emotional distress and life-long emotional and physical personal injury.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 27 - Three Agencies have Joint-Responsibility, Accountability and Compliance for Fiscal Oversight & Cost-Overruns for the Entire Federal Government; the DCAA, OMB and the GAO.

The DCAA's duties include financial and accounting advisory services for the Department of Defense in connection with negotiation, administration and settlement of contracts and subcontracts.

10 U.S. Code § 2313 - Examination of records of contractor

The Director of the Defense Contract Audit Agency may require by subpoena the production of any records of a

contractor that the Secretary of Defense is authorized to audit or examine.

The Office of Management and Budget (OMB) is the office in the Executive Office of the President (EOP). OMB's most primary function is to produce the President's Budget, OMB also measures the quality of agency programs, policies, and procedures to comply with the president's policies and coordinates inter-agency policy initiatives.

The Government Accountability Office (GAO) is a legislative branch government agency that provides auditing, evaluation, and investigative services for the US Congress. It is the supreme audit institution of the federal government of the United States.

State the Claim Count.

There is a systematic failure by Contractors and throughout the Federal Government, including the OMB, DCAA and GAO in the lack of enforcement, monitoring, accountability and compliance in Cost-Overruns and excessive spending.

Claim - \$5M plus punitive damages of the industry practice of three times the jun 28 of \$15M. The jun 28 sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in

2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 28 – Destruction of Government Property.

1666. Destruction of Government Property,

18 U.S.C. §1361 Section 1361 protects "any property" of the United States, agency/ department, or any property being manufactured/constructed for the US or agency/department from willful depredation depredation-the act of plundering, robbing, pillaging or laying waste.

State the Claim Count.

The Government is responsible - USC Code 1666.

Destruction of Government Property, 18 U.S.C. § 1361; the Illegal and Criminal destruction of thousands of the Plaintiffs Whistleblower's Government Accepted Submissions.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 29 - Failure to Furnish Tort Procedures

Denied Legal Discovery; Spoliation of Evidence.

State the Claim Count.

All Agency General Counsels refused to furnish Internal Tort Procedures; there are no Federal standard Tort Procedures. Tort Procedures are required from all (75) Departments Agencies for an impartial and objective legitimate Discovery and Conclusion.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 30 – Federal FOIA Violations; Spoliation of Evidence.

State the Claim Count.

FOIA Requests were submitted to (75) Federal Department/ Agencies. The FOIA information is critical for pending, on-going investigation and litigation. The Freedom of Information Act (FOIA), 5 U.S.C. § 552, is a Federal law that requires the full or partial disclosure of previously unreleased information and documents controlled by the

United States government upon request. Over (200) FOIA requests were submitted to (75) of the Federal Departments and Agencies that Tort Claims, Form 95s were filed; All FOIAs were denied.

FOIA evidence was concealed and withheld in a Legal Proceeding; Spoliation of Evidence, is Intentional, Impeded and Obstructed resulting in unjust delays and denials of critical evidence and testimony. The Agency General Counsels have authority, responsibility and fiscal oversight.

The Plaintiff, Mark Downey filed and focused on the largest and most pressing Tort submissions (75), the Form 95 to Federal Departments/Agencies. The Department/Agency General Counsels denied the right of a Legal Discovery. The Plaintiff had no other recourse than to submit FOIA requests to all of the pending claim (75) Departments/Agencies.

FOIA Emails were received that had the return email address of "NOREPLY." When an email is sent to that email address, it is rejected. The Government is saying, to the Public "Get Lost."

Multiple FOIA emails and Letters were received with no name, address, phone number or email address; No transparency.

Over (40) FOIA Requests were unjustly and unethically rejected. Return emails were received as "In que to long", meaning the Government did not open or respond to the emails and then they were deleted.

Over (20) FOIA Requests were unjustly and unethically rejected as Bad Email addresses, the email addresses used were the email addresses on the Government Website; deliberate use of bad email addresses.

Even after additional information was furnished substantiating the Plaintiff's Disability and the critical need for the information in a pending and on-going legal claim – the Departments/Agencies denied a Disability Fee Waiver and denied Expedited processing.

Substantiated Federal FOIA Abuse.

Federal - Secret e-mail accounts and abusive fees

The Associated Press uncovered several federal agencies where the staff regularly used fictitious identities and secret or unlisted email accounts to conduct government business. Their use stymied FOIA requests. The government demanded enormous, over \$1 million in fees for records that should have been available for minimal cost.

Ignored Letters sent to (75) Federal General Counsels.

"I am a Former Consulting Federal Forensic Scientist, Technologist and Programmer on a Federal Disability. FOIA Requests were submitted to your Department/Agency. A Federal Form 95 Tort Claim was submitted to the General Council. The FOIA Requests are part of an on-going, pending Legal Investigation and Lawsuit. Many FOIAs were submitted to many different Departments/Agencies, they refused to honor the requests of a Disabled for Fee Waiver

and Expedited Processing. Many formulated their own internal policies and assessed unjustified fees for the FOIAs.

I requested information directly from the Office of General Counsel to accommodate the Disabled and to comply with the enclosed FOIA Act, U.S.C. Codes, FAR Codes and OPM Merit Regulations; Civil and Criminal.”

Ignored Requests Made to General Counsel Offices.

The Department/Agency Procedures, Rules, Regulations and Discovery for Tort Claims;

The number Tort Claims received per year for the last 10 years and ten year total;

The Tort Claims Total Dollar jun 28s received for the past 10 years;

The Total Tort Claims Paid for the past ten years;

The Total Number of Tort Claims Denied with No payment for 10 years;

Any and All information of complaints or disciplinary Action of anyone in the Office of General Counsel;

The States that the General Counsel or Acting General Counsel is admitted to State Bar Associations.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

**COUNT 31 - 49 U.S. Code § 40115 - Withholding information
State the Claim Count.**

Seventy-Five Federal FOIA Offices and (75) Federal General Counsel Offices refused FOIA requests and Federal Tort Internal Procedure Policy Guidelines; to be used for on-going and pending Disabled litigations.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 32 – Federal Procedures Violated.

State the Claim Count,

The Federal Form 95 and detailed Complaints for the Federal Tort Claim Act were sent to numerous Federal Departments/ Agencies. Over (20) of the Departments/ Agencies sent the claims directly to the DOJ, they did not respond to the Individual claims; the required Tort Claim procedure. DOJ did not address any claims or cite any Federal U.S.C. codes; DOJ refused the Claims with no explanation. Also (93) Departments/Agencies totally ignored the claims, allowing settlements and verdicts.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 33 - 28 U.S. Code § 4101. Definitions

Defamation - The term “defamation” means any action or other proceeding for defamation, libel, slander or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented

any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

State Claim Count.

The Defamation Count has the element of “emotional distress”; illegal and unauthorized deletion and Destruction of Government Property (1666, 18 U.S.C. § 1361) which caused the Disabled Plaintiff severe emotional and physical live-long implications. The Disabled Plaintiff has an impeccable reputation; 50 years of working for and with the Federal Government and being nominated for the National Medal of Technology which is awarded by the President. The Disabled Plaintiff’s distinguished reputation was deliberately and intentionally smeared, discredited and tarnished by the Government without analysis, thought or consideration of the ramifications, consequences or implications.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Spoliation of Evidence – Definition.

The spoliation of evidence is the intentional, reckless, or negligent withholding, hiding, altering, fabricating, or destroying of evidence relevant to a legal proceeding. Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

COUNT 34 - Failure to Furnish Tort Procedures

Denied Legal Discovery; Spoliation of Evidence.

State the Claim Count.

All Agency General Counsels refused to furnish Internal Tort Procedures; there are no Federal standard Tort Procedures. Tort Procedures are required from all (75) Departments Agencies for an impartial and objective legitimate Discovery and Conclusion.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 35 – Federal FOIA Violations; Spoliation of Evidence.

State the Claim Count.

FOIA Requests were submitted to (75) Federal Department/ Agencies. The FOIA information is critical for pending, on-going investigation and litigation. The Freedom of Information Act (FOIA), 5 U.S.C. § 552, is a Federal law that requires the full or partial disclosure of previously unreleased information and documents controlled by the United States government upon request. Over (200) FOIA requests were submitted to (75) of the Federal Departments and Agencies that Tort Claims, Form 95s were filed; All FOIAs were denied.

FOIA evidence was concealed and withheld in a Legal Proceeding; Spoliation of Evidence, is Intentional, Impeded and Obstructed resulting in unjust delays and denials of critical evidence and testimony. The Agency General Counsels have authority, responsibility and fiscal oversight.

The Plaintiff, Mark Downey filed and focused on the largest and most pressing Tort submissions (75), the Form 95 to Federal Departments/Agencies. The Department/Agency General Counsels denied the right of a Legal Discovery. The Plaintiff had no other recourse than to submit FOIA requests to all of the pending claim (75) Departments/Agencies.

FOIA Emails were received that had the return email address of "NOREPLY." When an email is sent to that email address, it is rejected. The Government is saying, to the Public "Get Lost."

Multiple FOIA emails and Letters were received with no name, address, phone number or email address; No transparency.

Over (40) FOIA Requests were unjustly and unethically rejected. Return emails were received as "In que to long", meaning the Government did not open or respond to the emails and then they were deleted.

Over (20) FOIA Requests were unjustly and unethically rejected as Bad Email addresses, the email addresses used were the email addresses on the Government Website; deliberate use of bad email addresses.

Even after additional information was furnished substantiating the Plaintiff's Disability and the critical need for the information in a pending and on-going legal claim – the Departments/Agencies denied a Disability Fee Waiver and denied Expedited processing.

Substantiated Federal FOIA Abuse.

Federal - Secret e-mail accounts and abusive fees

The Associated Press uncovered several federal agencies where the staff regularly used fictitious identities and secret or unlisted email accounts to conduct government business. Their use stymied FOIA requests. The government demanded enormous, over \$1 million in fees for records that should have been available for minimal cost.

Ignored Letters sent to (75) Federal General Counsels.

“I am a Former Consulting Federal Forensic Scientist, Technologist and Programmer on a Federal Disability. FOIA Requests were submitted to your Department/Agency. A Federal Form 95 Tort Claim was submitted to the General Council. The FOIA Requests are part of an on-going, pending Legal Investigation and Lawsuit. Many FOIAs were submitted to many different Departments/Agencies, they refused to honor the requests of a Disabled for Fee Waiver and Expedited Processing. Many formulated their own internal policies and assessed unjustified fees for the FOIAs.

I requested information directly from the Office of General Counsel to accommodate the Disabled and to comply with the enclosed FOIA Act, U.S.C. Codes, FAR Codes and OPM Merit Regulations; Civil and Criminal.”

Ignored Requests Made to General Counsel Offices.

The Department/Agency Procedures, Rules, Regulations and Discovery for Tort Claims;

The number Tort Claims received per year for the last 10 years and ten year total;

The Tort Claims Total Dollar jun 28s received for the past 10 years;

The Total Tort Claims Paid for the past ten years;

The Total Number of Tort Claims Denied with No payment for 10 years;

Any and All information of complaints or disciplinary Action of anyone in the Office of General Counsel;

The States that the General Counsel or Acting General Counsel is admitted to State Bar Associations.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 36 - 49 U.S. Code § 40115 - Withholding information State the Claim Count.

Seventy-Five Federal FOIA Offices and (75) Federal General Counsel Offices refused FOIA requests and Federal Tort

Internal Procedure Policy Guidelines; to be used for on-going and pending Disabled litigations.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 37 – Federal Procedures Violated.

State the Claim Count,

The Federal Form 95 and detailed Complaints for the Federal Tort Claim Act were sent to numerous Federal Departments/ Agencies. Over (20) of the Departments/ Agencies sent the claims directly to the DOJ, they did not respond to the Individual claims; the required Tort Claim procedure. DOJ did not address any claims or cite any Federal U.S.C. codes; DOJ refused the Claims with no explanation. Also (93) Departments/Agencies totally ignored the claims, allowing settlements and verdicts.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in

2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 38 - Prompt Payment Enforcement.

State Claim Count.

The Plaintiff wants to be paid for his massive Disabled, 5-year, 15-hour-a-day, 80,000 page, No Compensation effort; there is already an incredible, uncalled for, inexcusable Federal Government and IRS delay of 5 years. The Federal Prompt Payment U.S.C. Code needs to be complied with and enforced; 31 U.S. Code CHAPTER 39— PROMPT PAYMENT.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 39 – Congress and Senate Accountable.

State Claim Count.

It is the consensus and public opinion that the US Congress and the US Senate are accountable to no one. Legal Complaints were sent to (30) Congressional Committees and Senate Committees and the Virginia Representatives Congressman Beyer and Senator Warner. All letters were ignored, twice. An inquiry was made to the Reference Librarian at the Library of Congress and it was asked, "Who pays the salary of Congressmen, Senators and their staff?" The answer was, "The US Treasury." The salary and funding is the motivator, incentive and sustainment of a Senator, Congressman, staff and operations. Therefore the US Treasury has the responsibility, fiscal oversight, performance responsibility and legal enforcement of the entire Congress, Senate operations and staff.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 40 – Inspector General Offices Accountable.

State Claim Count.

The Council of Inspectors General on Integrity and Efficiency was established as an independent entity, within the United States executive branch by the Inspector General

Reform Act to address integrity, economy, and effectiveness issues that transcend individual Government agencies and increase the professionalism and effectiveness of personnel by developing policies, technical standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

Four emails were sent to the IG Council on Integrity and they were ignored.

There are 73 federal offices of inspectors general. Their activities include the detection and prevention of fraud, waste, abuse and mismanagement of the government programs and operations within their parent organization.

The OIG Offices are independent of the Department/Agency.

It is the consensus and public opinion that the Inspector General Offices are accountable to no one. Legal Complaints were sent to ALL Federal Inspector Generals, including Inspector Generals of the three Whistleblower Programs; the IRS, SEC and the Commodities Futures Trading Commission, they were all ignored.

An IRS Inspector General report substantiated and confirmed the mismanagement of the IRS Whistleblower Program; there were numerous Whistleblower submissions that should not have been deleted.

The salary and funding is the motivator, incentive and sustainment of the Inspector Generals, the staff and operations. Therefore the US Treasury has the

responsibility, fiscal oversight, performance responsibility and legal enforcement of the ALL Inspector Generals, operations and staff.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 41 – Failure Prosecute & Enforce Federal Criminal Violations.

State Claim Count.

Criminal.

1) 18 U.S. Code § 241 - Conspiracy against rights.

2) Destruction of Government Property. 1666. Destruction of Government Property, 18 U.S.C. §1361Section 1361

Criminal Complaints were sent to the DOJ Criminal Division and the FBI Washington DC Field Office, all prosecution Complaints were ignored. A Judge said, “Criminal Complaints lay the groundwork and foundation for Civil Cases.” By refusing to prosecute Criminal cases the Federal Law Enforcement unethically and unjustly denied Civil litigation evidence and monetary damages.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 42 – Federal Labor Standard Act.

Definition. A scam or confidence trick is an attempt to defraud a person or group by gaining their confidence.

The Federal Whistleblower Programs are not in compliance with the US Department of Labor Minimum Wage, Federal Labor Standards (FLSA) of the labor law wage of \$7.25 per hour

State the Claim.

The Fair Labor Standards Act of 1938 29 U.S.C. § 203 (FLSA) is a United States labor law that creates the right to a minimum wage, and "time-and-a-half" overtime pay when people work over forty hours a week. It applies to employees engaged in interstate commerce or employed by an enterprise engaged in commerce or in the production of goods for commerce.

The Whistleblower Programs are not in compliance with the Fair Labor Standards Act of 1938 29 U.S.C. § 203 (FLSA), a United States labor law.

Claim - \$5M plus punitive damages of the industry practice of three times the jun 28 of \$15M. The jun 28 sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

COUNT 43 – Whistleblower Program – Fraud.

The IRS Federal Whistleblower Program has the elements of Fraud;

- **False Pretenses;**
- **A Scam;**
- **Installed False Hope;**

The Government illegally deleted almost 600,000 Accepted Whistleblower submissions by the Disabled Plaintiff; for 5 years, working 15-hour-days, producing 80,000 pages and deleted of 30,000 other Accepted Whistleblower Submissions;

18 U.S. Code § 1341- Frauds and Swindles.

Whoever, devised or operated any scheme to defraud or for obtaining money or property by means of false or fraudulent

pretenses, representations, or promises or procure for unlawful use, obligation or executing a scheme, shall be fined under this title or imprisoned not more than 20 years or both.

The Government operates Whistleblower Programs on a massive scale, a deliberate Scam and Self-Serving Public Relations Stunt to promote the IRS which has a severely tarnished and dreadful image problem;

The Government operates a Whistleblower Program, solicits information from the Public and has No intention of using the provided information or providing compensation to the Whistleblower Public.

This is the latest accepted revision, reviewed on 12 May 2019.

In law, fraud is intentional deception to secure unfair or unlawful gain, or to deprive a victim of a legal right. Fraud can violate civil law (i.e., a fraud victim may sue the fraud perpetrator to avoid the fraud or recover monetary compensation), a criminal law (i.e., a fraud perpetrator may be prosecuted and imprisoned by governmental authorities).

As a criminal offense

Criminal fraud, theft by false pretense, are the intentional deception of a victim by false representation or pretense with the intent of persuading the victim to part with property and with the victim parting with property in reliance on the representation or pretense.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 44 - US Constitution Violation.

The Eighth Amendment (Amendment VIII) of the United States Constitution prohibits the federal, state, and local governments of the United States or any other government, or any corporation, private enterprise, group, or individual, from imposing excessive bail, excessive fines, or cruel and unusual punishments in any part of the US, on US property, or against any US citizen or any resident of the US.

Case Example

Basis and Jurisdiction of US Constitution Amendment Eight.

This Claim substantiates and verifies that the IRS and the Federal Government orchestrated a unjustifiable War and massacre against Whistleblowers in the illegal destruction of Government Property; 1666. 18 U.S.C. §1361 Section 1361, the Plaintiff's five-year-fifteen-hour-a- day, 600,000 accepted Whistleblower submissions, a 80,000 page effort

where the Disabled Plaintiff worked for FIVE years with NO Compensation. In addition 30,000 other people's submissions were unjustly deleted. The Disabled Plaintiff's massive unjustified Whistleblower deletions by the Government caused severe stress which resulted in severe, life-long ramifications; Physical and Physiological Personal Injury, 18 USC Code 2255 Civil Remedy for Personal Injuries; in the Disabled Plaintiff and compounded the Death of his Disabled 86 year old Mother.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

Count 45 - ADA – Americans With Disabilities Act.
State of Claim.

Title I (Employment); Equal Employment Opportunity for Individuals with Disabilities (The Federal Government employed the Plaintiff as a Federal Whistleblower). This title is to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to employees.

Title II (State and Local Government) Nondiscrimination on the Basis of Disability in State and Local Government Services. (Many of the Whistleblower Claims were against States and Local Governments). Title II of the ADA prohibits

discrimination against individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, States and local governments.

Title III (Public Accommodations) Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities. (All Whistleblower Claims were denied by the Federal Enforcement.) This title prohibits private places of public accommodation from discriminating against individuals with disabilities.

Claim - \$5M plus punitive damages of the industry practice of three times the amount of \$15M. The amount sought and the punitive damages have to reflect the size of the entity and the seriousness of the incidents. The Federal budget in 2019 was \$4.07 Trillion. The Claim has Nationwide and Worldwide Economic implications and ramifications that will be resolved with this Claim.

What Would a Balanced Budget Do ?

Brookings Policy Brief Series - How to Balance the Budget - Alice M. Rivlin and Isabel V. Sawhill (excerpt)

The federal government is spending about \$500 billion a year more than it is raising in taxes. If nothing is done, the gap will widen to \$700 billion annually by 2014 (Multi-Billions more now) and accelerate rapidly, as baby boomers retire.

Persistent deficits of this magnitude are likely to lower standards of living, make us dangerously dependent on the rest of the world, and pass on large fiscal burdens to future generations. Balancing the budget, while politically difficult, must be a priority.

We conclude that neither political party currently has a workable plan for reducing the long-term deficit, that both spending cuts and tax increases will be needed, and that stronger budget process rules would help members of Congress be more fiscally responsible.

Conclusion. America's fiscal situation is out of control and could do serious damage to the economy in the coming decades. It could sap U.S. economic strength—making it much more difficult to respond to unforeseen contingencies—and pass an unfair burden to future generations. However, no one in a political position to do something about the problem has thus far crafted an adequate solution. Unless policymakers move quickly to find a compromise and enact reforms, the budget problem will only get worse.

Exhibits.

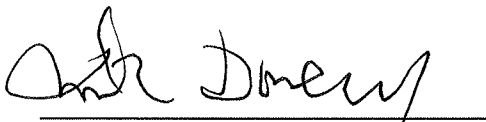
Physical Evidence:

- **Two entire bookcases of printed Whistleblower submissions; 80,000 pages in 5 years (pictures);**
- **IRS Accepted Whistleblower letters – over 1,000;**
- **Form 95 printouts submitted (105), (72) different Agencies;**
- **Whistleblower submission - mail log/journal;**
- **emails/submissions on disk;**
- **Over 543,000 other Whistleblower submissions NOT filed, Form 95;**
- **Witnesses: USPS Postal Clerks (3) verifies mailings, postage bills (3) Whistleblower programs – over 5 years, thousands of dollars;**
- **Witness, Church Friend - remark, “You are the most generous person I know, you work and do not get paid!”;**

- **Dates: 28 U.S. Code § 2401 - Time for commencing action against United States (a).** NO Statute of Limitations based on my Disability (a) in addition the Statue of Limitations for Personal Injury is (10) years. Disability Confirmed; A letter was furnished from the State of Virginia for a Federal Schedule A Disabled non-competitive SES employment appointment and in the case Downey v. State Michigan a Disability Fee Waiver was granted in the US District Court.

DEMAND FOR JURY

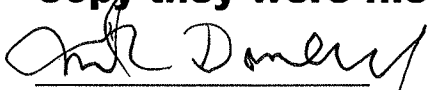
The Plaintiff hereby demands a trial by jury.



**Mark Downey, pro se
Drawer SS, McLean, VA 22101-0729**

Certificate of Service

I certify that a true copy of the Complaint and Motions were mailed to the Defendants/Counsels on 7/1/19 and a Copy they were filed with the U.S. District Court.



**Mark Downey, pro se
Drawer SS, McLean, VA 22101-0729**

JS 44 (Rev. 02/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mark Downey, pro se

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

18USC1361, 49USC40115, 18USC1519, 118USC2255, USC371, 18USC241, 5USC552, 49USC49115, 18USC1621

DEFENDANTS

US of America, et. al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input checked="" type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

See C Under Plaintiff

Brief description of cause:

Quit tam, ADA, Pers. Injury, Dest Govt Prop, Civil Rights, (44) USC Counts, Constitution 8th Amendment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

589.68 8,11,02

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

7/1/2019

SIGNATURE OF ATTORNEY OF RECORD

Mark Downey PRO SE

FOR OFFICE USE ONLY

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JUDGE

MAG. JUDGE

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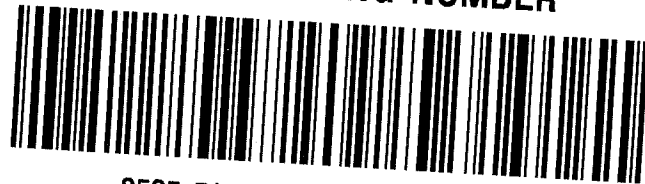
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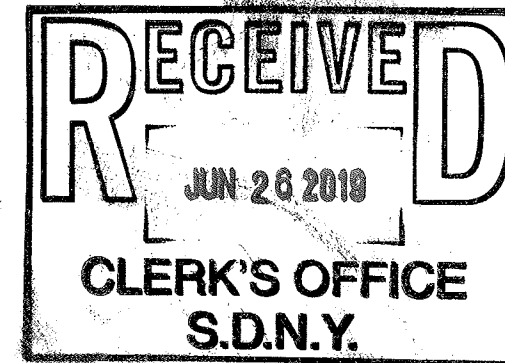
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